

UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF CALIFORNIA

ALTON KING,

Plaintiff,

v.

VALLEY STATE PRISON, et al.,

Defendants.

No. 1:20-cv-00024-DAD-GSA (PC)

ORDER ADOPTING FINDINGS AND  
RECOMMENDATIONS

(Doc. No. 14)

Plaintiff Alton King is a state prisoner proceeding *pro se* and *in forma pauperis* in this civil rights action filed pursuant to 42 U.S.C. § 1983. The matter was referred to a United States Magistrate Judge pursuant to 28 U.S.C. § 636(b)(1)(B) and Local Rule 302.

On May 24, 2021, the assigned magistrate judge issued findings and recommendations, recommending that this action proceed only against defendants Warden Raythel Fisher, Jr. and Culinary Staff Member Moosebaur for alleged violations of the Religious Land Use and Institutionalized Persons Act (“RLUIPA”) and alleged violations of the First Amendment Free Exercise Clause; and against defendant Warden Raythel Fisher, Jr. for alleged unconstitutional conditions of confinement in violation of the Eighth Amendment and for alleged failure to protect plaintiff in violation of the Eighth Amendment. (Doc. No. 14.) The pending findings and recommendations were served on plaintiff and contained notice that any objections thereto were to be filed within fourteen (14) days from the date of service. (*Id.* at 3.) To date, no objections to

1 the findings and recommendations have been filed with the court, and the time in which to do so  
2 has now passed.

3 In accordance with the provisions of 28 U.S.C. § 636(b)(1)(C), this court has conducted a  
4 *de novo* review of the case. Having carefully reviewed the entire file, the court finds the findings  
5 and recommendations to be supported by the record and by proper analysis.

6 Accordingly,

- 7 1. The findings and recommendations issued on May 24, 2021 (Doc. No. 14) are  
8 adopted in full;
- 9 2. This action proceeds only on plaintiff's claims against defendants Warden Raythel  
10 Fisher, Jr. and Culinary Staff Member Moosebaur for alleged violations of the  
11 RLUIPA and alleged violations of the First Amendment Free Exercise Clause; and  
12 against defendant Warden Raythel Fisher, Jr. for alleged adverse conditions of  
13 confinement in violation of the Eighth Amendment and for alleged failure to  
14 protect plaintiff in violation of the Eighth Amendment;
- 15 3. All other claims and defendants are dismissed; and
- 16 4. This action is referred back to the assigned magistrate judge for further  
17 proceedings consistent with this order.

18 IT IS SO ORDERED.

19 Dated: **July 27, 2021**

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22 UNITED STATES DISTRICT JUDGE  
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